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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,174	10/23/2003	Benjamin N. Eldridge	P47C2-US	8347
50/905 7590 01/29/2009 N. KENNETH BURRASTON KIRTON & MCCONKIE P.O. BOX 45120 SALT LAKE CITY, UT 84145-0120				
			EXAMINER ABRAMS, NEIL	
			ART UNIT 2839	PAPER NUMBER
			NOTIFICATION DATE 01/29/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/692,174

Applicant(s)

ELDRIDGE ET AL.

Examiner

Neil Abrams

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26,33,35,36,41-43,73-85,87,89-92,94,97-99 and 103-110 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all claims in the case is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The rejection based on double patenting is withdrawn

Claims 26 33 35 36 41 42 48 73-85 87 89-92 94 97-99 103- 110 (all claims in the case) are rejected under 35 U.S.C. 103(a) as being unpatentable over Fjelstad in view of Cowie 789, Germany(Biberbach) ,. Shida, Yanof 430, and Feusssner.

Claims 79- 84 , 105, 106 108, 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faraci in view of Fjelstad, Yanof 430, Cowie 789 , Shida., Germany (Biberbach) and Feussner

For both above rejections the patents are applied as in the last office action

The response to arguments as set forth in last office action in paragraph 7 are incorporated into this letter

To restate this view note that Fjelstad discloses use of electrical contact tips formed of palladium and suggests its use in alloy form col 3 lines 60-65 In addition Cowie points out that palladium is soft and prone to wear and therefore its use in alloy form with cobalt for electrical contacts is suggested . . Use of palladium cobalt as a choice for an alloy for electrical contact use is also suggested by Germany, Feussner and Shida . Also note that the Germany patent suggests only one choice which is " palladium cobalt " and refers to lessened corrosion resistance . Shida suggests palladium combined with nickel or cobalt for strengthening the top layer 1 of the electrical contact 10. Feussner suggests palladium alloyed with cobalt to increase hardness . It therefor is found for these and other reason stated previously

that it would have been obvious to select to use palladium cobalt alloy for Fjelstad or Faraci contact tips to provide hardness and corrosion resistance. Even though the secondary references are not directed to contact tips their teachings would be applicable to one deciding on a material for a Fjelstad type contact tip. Fjelstad teaches probe tip use of palladium in alloy form and the selection of palladium cobalt for such alloy has not been shown to have been an unobvious choice.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Neil Abrams at telephone number 571-272-2089.

/Neil Abrams/

Primary Examiner, Art Unit 2839

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